



RICHARD O. BRAJER
Secretary

JOE LENTZ
Director, Division of Human Resources

**NORTH CAROLINA
DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

2016

**EQUAL EMPLOYMENT
OPPORTUNITY (EEO) PLAN**

AN EQUAL OPPORTUNITY EMPLOYER



Department of Health and Human Services | Division of Human Resources
101 Blair Drive | 2001 Mail Service Center | Raleigh, NC 27699-2001
919 855 4900 T | 919 733 6087 F

Table of Contents

Equal Employment Opportunity (EEO) Plan Requirements

Policy Statements	4
Statement of North Carolina EEO Policy	5
Statement of Agency EEO Policy	6
EEO Policy	8
EEO Responsibilities	17
Assignment of Responsibility and Accountability	18
<i>Governor of North Carolina</i>	
<i>EEO, Diversity & Inclusion Division, Office of State Human Resources</i>	
<i>Secretary, North Carolina Department of Health & Human Services</i>	
<i>Directors, Managers and Supervisors</i>	
<i>EEO Director</i>	
<i>EEO Committee</i>	
Communication and Dissemination of the EEO Policy and Plan	23
<i>Internal Dissemination</i>	
<i>External Dissemination</i>	
Workforce Analysis	25
<i>Organization of the EEO Plan</i>	
<i>EEO Report</i>	
<i>Meaning and Limitations of Data Presented</i>	
<i>Findings of Under-Utilization</i>	
<i>Hiring Objectives</i>	
<i>Workforce Utilization Analysis</i>	
<i>Standard Occupational Categories (SOC)</i>	
<i>BEACON</i>	
<i>Population/Work Force</i>	
EEO Program Objectives & Program Activities	28
<i>Recruitment</i>	
<i>Selection Procedures Promotion Procedures</i>	
<i>Compensation and Benefits Procedures</i>	
<i>Disciplinary Process Performance Appraisal Training & Development</i>	

EEO Informal Inquiry Grievance Procedure	32
<i>Informal Grievance Process</i>	
<i>External Filing a Discrimination Charge</i>	
<i>Equal Employment Opportunity Institute (EEOI)</i>	
<i>EEOI Functionality</i>	
<i>Administration/Implementation of EEOI</i>	
<i>Enrollment Process</i>	
<i>Definitions</i>	
Evaluation and Report Mechanism	33
Reduction in Force (RIF) Policy and Procedures	33
Monitoring	33
Assessment of Plan	33
JOB Opening Estimates Form.....	34

POLICY STATEMENTS

State of North Carolina
Equal Employment Opportunity (EEO)
Policy Statement

It is the policy of the State of North Carolina to provide equal employment opportunity for all qualified persons and to prohibit discrimination in employment because of race, color, religion, national origin, age, sex, disabling condition, genetic information, or political affiliation. In furtherance of this policy, the State of North Carolina in its various subdivisions shall:

- Recruit, select, hire, place, train and promote persons in all job classifications without regard to race, color, religion, national origin, age, sex, disabling condition, genetic information, or political affiliation;
- Base selection, hiring, and promotion decisions on valid requirements and criteria, which are job related and necessary upon entry at the level to perform the essential functions of the job;
- Administer all employment practices objectively, including compensation, benefits, promotion, tuition assistance, termination, transfer, demotion, and reduction-in-force, without regard to race, color, religion, national origin, age, sex, disabling condition, genetic information, or political affiliation;
- Provide reasonable accommodation for applicants and/or employees with disabilities when doing so will enable them to successfully perform the essential functions of the job or benefit from training;
- Prohibit retaliatory actions against employees or applicants for employment who make a charge of employment discrimination or testify, assist, or participate in any manner in a hearing, proceeding, or investigation of employment discrimination; and
- Assure a work environment that is free from discrimination.

Department of Health and Human Services Equal Employment Opportunity (EEO) Policy Statement

The Department of Health and Human Services (DHHS) emphatically states that it will provide equal employment opportunities for all persons regardless of race, color, national origin, religion, sex, age, disability, genetic information or political affiliation, except where religion, sex or age are bona fide job related employment requirements. This is in keeping with Title VII of the Civil Rights Act of 1964, as amended; Federal Executive Order 11246; the Rehabilitation Act of 1973; the Civil Rights Restoration Act of 1988; the Americans with Disabilities Act of 1990; NCGS §126-16 and 126-17; and other applicable Federal and State laws.

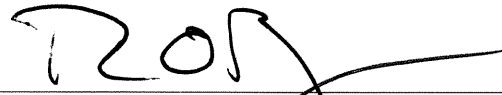
In furtherance of this policy, the Department of Health and Human Services will:

- Assure that all employment practices of the agency will be administered without regard to race, color, national origin, religion, age, sex, disability, genetic information or political affiliation and that these practices shall include, but are not limited to:
 - Recruitment, including advertising, or soliciting for employment;
 - Selection, hiring, and placement;
 - Treatment during employment including compensation, promotion and reallocation;
 - Evaluate work performance;
 - Administer all personnel actions including compensation, benefits, tuition assistance, training, transfer, reduction-in-force, termination, and promotion without regard race, color, national origin, religion, sex, age, disability, genetic information or political affiliation;
 - Prohibit retaliatory action of any kind taken by any employee of the Department of Health and Human Services against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination; and
 - Assure the Department of Health and Human Services provides reasonable accommodation for applicants and/or employees with a disability when doing so will enable them to successfully perform the essential job functions or benefit from training.
- Discourage and prevent harassment based on race, color, national origin, religion, sex, age, disability or genetic information.
- Ensure greater utilization of all persons by identifying the underutilized groups in the workforce and making special efforts to increase their participation in recruitment, selection, training and development, upward mobility programs, and any other term, condition, or privilege of employment.
- Delegate the responsibility for the actual development of the Equal Employment Opportunity plan and program to the EEO Director. However, responsibility for the implementation of and compliance with this plan and program will be shared by the Secretary, deputy secretaries, senior staff, division and facility directors, and all managers and supervisors.

- Assure that the EEO plan and program will be monitored and evaluated continuously for program effectiveness.
- Promote and value diversity and inclusion within the Department.
- Assure a nondiscriminatory work environment.

The Secretary; deputy secretaries; senior staff; division, facility, office directors, managers, supervisors; and all employees of the Department of Health and Human Services concur on the need for this policy and are committed to a diverse and inclusive workforce.

Adopted March 1st of 2016.



Richard O. Brajer, Secretary
North Carolina Department of Health and Human Services

Equal Employment Opportunity (EEO) Program and Plan

Purpose

The Department of Health and Human Services' (DHHS) Equal Employment Opportunity Program is intended to create a work environment that is responsive and respectful of fairness and equity for applicants and employees which ensures compliance with State and Federal guidelines. Further, the purpose is to provide guidance in the development of a plan to facilitate greater utilization of all persons. Special emphasis is given to protected groups, i.e., minorities, women, persons with disabilities, and veterans by identifying previously underutilized groups in the workforce, and making a special effort toward their recruitment, selection, development and upward mobility. No DHHS employee may engage in speech or conduct that is defined as unlawful harassment as indicated later in this plan. The Department is committed to providing a work environment free from unlawful discrimination, harassment and retaliation.

General Provisions

A. The Department commits to an ongoing evaluation method to assess program effectiveness and monitor personnel policies and employment practices in an effort to facilitate workforce balance and fairness in all terms and conditions of employment. Specifically, the Department, through its various divisions, facilities and offices shall:

1. Recruit, hire, train, promote persons in all occupational categories and job classifications without regard to race, color, religion, national origin, sex, age, disability, genetic information and political affiliation;
2. Base hiring and promotion decisions upon valid requirements and criteria which are related and necessary to perform the expectations of the job;
3. Administer all personnel actions without regard to race, color, sex, religion, national origin, age, genetic information and political affiliation; and
4. Assure a nondiscriminatory work environment.

B. In doing so, the Department of Health and Human Services is in compliance with the following as amended:

1. Title VII of the Civil Rights Act of 1964;
2. Federal Executive Order 11246;
3. Equal Pay Act of 1963
4. Age Discrimination in Employment Act of 1967;
5. Title V of the Rehabilitation Act of 1963;
6. Veterans Preference Act;
7. Governor's Executive Order 49;
8. Governor's Executive Order 55;
9. Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA);
10. Senate Bill 866: Merit Based Hiring;
11. House Bill 834: State Human Resources Act of 2013;
12. Lilly Ledbetter Fair Pay Act of 2009; and
13. Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).

- C. Equal Employment Opportunity guidelines also include prohibiting retaliatory actions against any employee or applicant for employment because that person filed a charge, testified, assisted or participated in any manner, in a hearing, proceeding, investigation, regarding employment discrimination. The Equal Employment Opportunity (EEO) Office is responsible for program implementation and administration to include updating and revising the Equal Employment Opportunity Plan on an annual basis.
- D. Further, the Department of Health and Human Services is committed to the tenet that no employee may engage in speech or conduct that is defined as unlawful discrimination, harassment or retaliation. All current and former employees are guaranteed the right to work in an environment that is free from unlawful harassment.

Program Development, Implementation and Compliance

The EEO Office is responsible for developing the Equal Employment Opportunity Plan annually. The plan consists of establishing specific goals and timetables for the reduction and elimination of underutilization of protected groups in all standard occupational classifications. Implementation of and compliance with this plan is the responsibility of directors, supervisors, and managers. The organization of this plan is comprised of four steps:

- A. Workforce/demographic analysis which profiles the distribution of workers in the department by race, gender, and persons reporting disabilities, compared with the percentage population within each ethnic category. The underutilization is calculated based on that comparison.
- B. Estimate or project future job vacancies in each occupational classification where underutilization has occurred, and project the department's capacity to eliminate or reduce the underutilization.
- C. Establish placement goals for reduction of underutilization in each category to include timetables to identify specific dates of achievement.
- D. Develop an action plan to facilitate the likelihood of goal achievement within the established time frames.

Dissemination of Policy

Internal Dissemination

The EEO Policy shall be posted in a conspicuous area, accessible to all employees and applicants for review on an as needed basis and is also available electronically on the EEO Office webpage <https://www2.ncdhhs.gov/humanresources/hrservices/employeerelations/>.

External Dissemination

The Department, through its Equal Employment Opportunity (EEO) Director, will notify recruitment resources, which include minorities, females, disability organizations, community leaders, veteran's organizations, and educational institutions to disseminate information to communities regarding the Department's Equal Employment Opportunity Program. The Department's EEO Plan and related policies will be made available to interested parties on the Department's website: www.nc.dhhs.nc.gov

Equal Employment Opportunity Institute (EEOI)

In accordance with North Carolina General Statutes 126-16.1, the Department of Health and Human Services is required to enroll supervisors and managers in the Equal Employment Opportunity Institute (EEOI). The EEOI is intended to provide executive managers and supervisors with practical training to assist them in becoming more effective managers and supervisors of an increasingly diverse workforce. Further, the EEOI is intended to increase understanding among managers and supervisors regarding their role and responsibilities in managing a workforce composed of individuals from different backgrounds and cultures.

Supervisors and managers shall enroll in the EEOI within one (1) year of their appointment. The training is conducted over one (1) day. The EEOI is designed to:

- A. Address and discuss the history and evolution of equal employment opportunity concepts and principles;
- B. Assist managers and supervisors to incorporate their equal opportunity responsibilities with other management responsibilities;
- C. Expose managers and supervisors to workforce equity and fairness issues;
- D. Review and discuss accepted management practices for valuing and managing diversity in the workplace;
- E. Provide understanding of how diversity and differences can increase productivity and efficiency; and
- F. Empower managers and supervisors to remain adaptable and flexible to meet the challenges of an ever changing and more diverse workforce.

Administration/Implementation of EEOI

The DHHS EEO Office, in partnership with the Office of State Human Resources (OSHR) Diversity and Inclusion Division, shall conduct and coordinate the training.

Enrollment Process

The Department EEO Office shall be responsible for the coordination of the enrollment process as follows:

- The EEO administrative assistant is assigned the responsibility of the enrollment process and uses the Learning Management System (LMS) to register eligible candidates for the EEOI.
- The administrative assistant schedules EEOI training at various locations around the state throughout the year. The administrative assistant shall work with Human Resources staff and/or designees in offices to schedule candidates within driving distance of their work location.
- Once the administrative assistant has received the scheduling of a candidate, that person will be enrolled in the EEOI.

Upon successful completion of the EEOI training, enrollees will be given a certificate of completion for their records.

Unlawful Harassment Prevention Plan

Introduction

The State of North Carolina has established a policy that prohibits any form of unlawful discrimination, harassment or retaliation of State employees and requires that every agency subject to the State Human Resources Act establish policies and programs to ensure that worksites are free from unlawful harassment. This policy and plan provides steps to be taken to prevent and correct unlawful harassment and are included as a part of the Equal Employment Opportunity Plan.

Purpose

These guidelines are presented to assist the Department in developing an acceptable plan for preventing and correcting unlawful harassment in the workplace.

A. Definitions

Unlawful Workplace Harassment is unwelcome or unsolicited speech or conduct based upon race, religion, national origin, sex, age, color, disabling condition or genetic information as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo, which is a condition of employment benefits on an employee's submission to unwelcome sexual conduct.

Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. A hostile work environment is determined by looking at all the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating and whether it unreasonably interferes with an employee's work performance.

Quid Pro Quo Harassment consists of unwelcome sexual advances, request for sexual favors or other verbal or physical conduct when (1) submission to such conduct is often made explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or a rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Retaliation is adverse treatment taken because of opposition to unlawful harassment.

Note: Sexual harassment does not include personal compliments welcomed by the recipient, or social interaction or relationships freely entered into by State employees or prospective employees.

Note: "Hostile" includes offensive, aggressive, antagonistic, belligerent, and/or contentious behavior involving unlawful harassment based on age, sex, race, color, national origin, religion, or handicapping condition as defined by G.S. 168A-3.

A hostile work environment is determined by looking at the following:

- 1) whether the environment is objectively offensive in the eyes of a reasonable person;*
- 2) whether the environment is subjectively offensive in the eyes of the person who is the object of the alleged harassment; and 3) the nature of the alleged hostility.*

Note: Examples of quid pro quo unlawful harassment include: 1) a supervisor promises an employee a promotion if the employee acquiesces to sexual advances; or 2) a supervisor begins each staff meeting with a prayer session conducted by a Christian minister and a Jewish employee refuses to participate in the prayer session and is terminated because of his refusal.

B. Objectives

The Department of Health and Human Services (DHHS) seeks to achieve and/or maintain a workplace free of harassment (speech or conduct) that falls under the definition of unlawful harassment by:

- 1) Developing and disseminating to all employees the EEO policy statement for the agency;
- 2) Sensitizing employees to the subject through training, orientation and literature; and
- 3) Developing disciplinary actions to address unlawful harassment.

C. Timetable for Meeting Objectives

- 1) The EEO Plan will be posted in conspicuous areas, accessible to all employees and applicants for their review on an as needed basis and is also available electronically on the Department's EEO Office webpage at:
<https://www2.ncdhhs.gov/humanresources/hrservices/employeerelations/>.
- 2) Presented during orientation for new employees, and discussed during EEO Training for managers and supervisors.

The goal is to have all supervisors and managers complete this course within their initial year of employment.

D. Responsibilities for Implementation

All DHHS employees play an important role in the prevention of unlawful harassment as indicated below:

EEO Director/Human Resources Office Responsibilities

- 1) Develop and update the Department's EEO policy statement;
- 2) Communicate the policy and plan to new and existing employees;
- 3) Provide specialized advice and counseling to managers, supervisors, and employees;
- 4) Serve as the DHHS EEO resource person;
- 5) Investigate and obtain additional information of complaints alleging unlawful harassment;

- 6) Review and appropriately respond to EEO Informal Inquiry complaints in a neutral, objective manner;
- 7) Conduct training on unlawful harassment;
- 8) Provide training and develop methods to evaluate program activities; and
- 9) Record and maintain the EEO Informal Inquiry complaints in the BEACON Grievance Tracking System.

Manager's /Supervisor's Responsibilities

- 1) Administer the Department's EEO policy;
- 2) Prevent and correct any identifiable discrimination and/or unlawful harassment;
- 3) Counsel employees when appropriate to prevent and correct unlawful harassment;
- 4) Create and maintain a work environment free of unlawful harassment; and
- 5) Promptly notify the HR Manager of any unlawful claim or potential claim.

Employee's Responsibilities

- 1) Adhere to policies of the department;
- 2) Report illegal discrimination and/or unlawful harassment and retaliation; and
- 3) Maintain an environment free from unlawful harassment.

Staff Development Specialist's Responsibilities

- 1) In conjunction with the EEO Director, develop and facilitate workshops and/or on-line training on unlawful harassment and retaliation to supervisors/managers and employees; and
- 2) Maintain records of which employees have completed training and those who need to attend.

Training

The Department of Health and Human Services recognizes its responsibility for taking steps to prevent and correct unlawful discrimination, harassment and retaliation. The first step is to offer a training program for supervisors and employees to sensitize them to the subject. Such a program is necessary to help meet the legal obligation as indicated in the policy and to help create an environment that supports employees and encourages productivity. The Office of State Human Resources Diversity and Inclusion Division will design the training program. DHHS may include other components; however, components must not be in conflict with the State's policy on unlawful harassment. The training program will include:

Supervisor's Training

- 1.State's policy on unlawful harassment;
- 2.State and Federal laws;
- 3.Appropriate disciplinary actions;
- 4.The EEO Informal Complaint process and grievance procedures; and
- 5.Illegal discrimination and corrective action steps.

Employee's Training

1. Discrimination and the State's policy on unlawful harassment;
2. Disciplinary actions; and
3. Employee rights;
4. EEO Informal Complaint process and grievance procedures.

The DHHS EEO Director developed and implemented anti-harassment training for all supervisors and employees via the Learning Management System (LMS). Full implementation of the training occurred in September 2015. All new supervisors and employees will be required to take this training within one (1) year via the Learning Management System.

Counseling

For victims of unlawful harassment who may be experiencing work-related problems such as absenteeism, low productivity, and inefficiency, as well as physiological problems that have been linked to stress, the State Employee Assistance Program will be recommended as an available resource.

Dissemination

The Unlawful Harassment Prevention Plan will be communicated to all department employees. The policy, which is included in the EEO Plan, will be made available to all DDHS employees via the DHHS website. The policy is also presented to new employees during orientation, and is available in their respective Human Resources division/institution offices. In addition, the plan is posted on the Department's website.

Evaluation

DHHS will maintain and report unlawful discrimination, harassment and retaliation complaints through the established EEO Informal Inquiry Complaint process and the grievance reporting mechanism located in the BEACON system.

An annual review shall be conducted by the EEO Director and DHHS Human Resources Director that identifies:

- 1) Number of incidents;
- 2) Location of incidents in the Department;
- 3) Ethnic and gender make up of employees alleging harassment;
- 4) Ethnic and gender make up of alleged harassers; and
- 5) Department's program objectives and goals identified in the preceding year's Unlawful harassment Prevention Plan.

Any supervisor who becomes aware of a complaint or potential complaint shall be responsible for reporting such information to the EEO Director or respective facility/ division Human Resources Manager. The EEO Director and Human Resources Manager shall be responsible for verifying that all complaint information reported to the Human Resources Division is properly noted in the BEACON system. The information regarding complaints shall be summarized and presented to the Secretary for review on a yearly basis. The EEO Director and DHHS Human Resources Director shall evaluate the collected information and determine what changes, if any, are needed to implement the prevention program.

EEO Informal Inquiry for Unlawful Discrimination, Harassment or Retaliation

An applicant for State employment, probationary State employee, former probationary State employee, career State employee or former career State employee (hereafter referred to as complainant) alleging unlawful discrimination, harassment or retaliation shall first file a complaint with the Department's Equal Employment Opportunity (EEO) Director within 15 calendar days of the alleged discriminatory, harassment or retaliatory act that is the basis of the complaint. If the complainant alleges facts that would constitute unlawful discrimination, harassment or retaliation as prohibited by law, the complaint will be investigated as a part of the EEO Informal Inquiry. The investigation will determine if the facts support a finding that there is reasonable cause to believe the alleged act rises to the level of unlawful discrimination, harassment or retaliation. The Department, through the EEO Office, has 45 calendar days from receipt of the complaint to investigate and respond to the complainant, unless the complainant and the employer mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension shall not exceed 15 calendar days.

During the review of complaint, the Department will not be represented by an attorney. While the employee may wish to consult an attorney or other individuals or organizations for advice and/or information during the EEO Informal Inquiry process, the Department shall only communicate with the employee.

At the conclusion of the investigation, the agency shall communicate the outcome of the investigation in writing to the complainant. If there is reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, management shall take appropriate action to resolve the matter. If the complaint is successfully resolved, the complainant will sign a letter of agreement with the division/facility or office detailing the terms of the resolution. The division/facility or office shall ensure that the terms of the agreement under the control of the DHHS are implemented. If the complaint is not successfully resolved, then the complainant may continue the process by filing a formal grievance within 15 calendar days of the written response from the EEO Informal Inquiry.

At any point in the grievance process, the complainant/grievant has the right to bypass discussions with or review by the alleged offender. Time spent in the EEO Informal Inquiry is not a part of the formal internal grievance process.

The entire Employee Grievance Policy can be found on the OSHR website at:
[http://www.oshr.nc.gov/Guide/Policies/7_Discipline.%20 Appeals%20 and %20 Grievances/Employee%20Appeals %20Grievances.doc](http://www.oshr.nc.gov/Guide/Policies/7_Discipline.%20Appeals%20and%20Grievances/Employee%20Appeals%20Grievances.doc)

Discrimination Grievance

An applicant, employee, or former employee who has reason to believe that employment, promotion, demotion, reduction-in –force, termination of employment, transfer, compensation, or training was a result of discrimination based on age, sex, race, color, national origin, religion, political affiliation, genetic information or disability, except where age, sex, or physical requirements constitute bona fide occupational qualifications, shall have the right to file an informal grievance directly to the:

Department of Health and Human Services
Equal Employment Opportunity Director
2001 Mail Service Center
Raleigh, North Carolina 27699-2001

External Filing of a Discrimination Charge

The complainant alleging unlawful discrimination, harassment or retaliation has the right, at any time, to bypass or discontinue the EEO Informal Inquiry or the formal internal grievance process and file a charge directly with the Equal Employment Opportunity Commission (EEOC). The complainant may not, however, file a contested case with the Office of Administrative Hearings (OAH) if the internal process has not been completed.

Information about filing an EEOC charge and deadlines for filing the charge can be found at: <http://www.eeoc.gov/employees/charge.cfm> or by calling an EEOC regional office located in either Raleigh, Greensboro or Charlotte at 1-800-669-4000.

Information about filing through the Civil Rights Division of the Office of Administrative Hearings can be found at <http://www.ncoah.com/civil/> or by calling 919-431-3036.

EEO RESPONSIBILITIES

Assignment of Responsibility and Accountability

Governor of North Carolina

The Governor of the State of North Carolina has overriding responsibility for the State's Equal Employment Opportunity Policies and Programs. The responsibility for the actual development and implementation of individual equal employment opportunity plans and programs is delegated by the Governor to each head of a State department, to each State university chancellor, and each head of a State agency or commission.

Office of State Human Resources Diversity and Inclusion Division

The Office of State Human Resources Diversity and Inclusion Division is responsible for the provision of technical assistance in EEO and program review, monitoring and evaluating the program in accordance to State Human Resources Commission's policy and guidelines, which is delegated to the Office of State Human Resources (OSHR). This responsibility is assigned to the OSHR Diversity and Inclusion Division and include the following:

- Approving all equal employment opportunity and sexual harassment prevention plans, and the EEO segment of all reduction-in-force plans;
- Designing, implementing, monitoring and reporting systems for equal employment opportunity planning and for determining the effectiveness of each EEO plan and program;
- Providing technical assistance for plan and program development and recommending corrective action where necessary;
- Providing assistance in identifying problem areas;
- Developing and implementing EEO support programs;
- Developing and implementing of EEO training programs; and
- Evaluating progress and programs designed to enhance Equal Employment Opportunity and personnel practices to assure non-discrimination.

Secretary, Department of Health and Human Services

The Secretary of the Department of Health and Human Services has the overall responsibility for Equal Employment Opportunity in DHHS. The Secretary's responsibilities include, but are not be limited to:

- Developing the EEO policy and implementing the DHHS Equal Employment Opportunity Plan;
- Ensuring that all employment practices and all aspects of the employment function within the organization are implemented in a manner which is equal for all applicants and employees and consistent with State Human Resources policy as promulgated by the State Human Resources Commission and with NCGS § 126-19;

- Establishing accountability for EEO achievement by including a factor in the performance evaluation process (Valuing Individual Performance-VIP) that measures the EEO performance of each division/facility/office director, manager and supervisor;
- Hiring a management-level official to serve as the agency's EEO Director whose office is located in the Office of the Secretary;
- Appointing an Equal Employment Opportunity Committee; and
- Effectively communicating EEO policies, plans and procedures to all employees, applicants for employment and the public.

Division /Facility/Office Directors, Managers and Supervisors

Division/facility/office directors, managers and supervisors will be responsible for carrying out equal employment opportunity as a vital part of their jobs. Each director, manager and supervisor is responsible for implementing the specific elements of the Equal Employment Opportunity Plan. These elements are designed to eliminate the underutilization of minorities, females, persons with disabilities, and veterans by removing barriers to equal employment opportunity that created the underutilization. It is understood that the directors, managers and supervisors performance in meeting equal employment goals as established in the Valuing Individual Performance (VIP) will be monitored and evaluated. This process is an important criterion when considering promotional opportunities and salary increases. The specific responsibilities of directors, managers and supervisors include, but are not limited to:

- Assisting in the identification of areas of underutilization and establishing goals and timetables for their elimination;
- Being aware of and eliminating stereotypical ideas and biases which can enter into employment, in particular, hiring decisions, promotional opportunities, and training;
- Making every effort to achieve established placement goals and maintaining a workforce that is representative of the population served within the department, division, work unit or section;
- Providing career counseling for employees and ensuring that all protected group employees are allowed to attend workshops, seminars, and other training opportunities;
- Assisting the HR Manager with periodic evaluations to determine the effectiveness of the EEO program;
- Promoting awareness and sensitizing employees to all EEO policies; and
- Preventing and correcting the unlawful discrimination, harassment and retaliation against employees.

EEO Office

The current number of permanent full-time employees assigned to the EEO office is two (2)-one EEO Director and one administrative assistant. The office is located in the Division of Human Resources and reports directly to the DHHS Human Resources (HR) Director, who reports directly to the Secretary of the Department. The EEO Office is physically located on the Dorothea Dix Campus in Raleigh, NC.

Supervision for the office flows directly from the Secretary to the HR Director to the EEO Director. The EEO Director's primary responsibility is to advise, consult, and recommend proper and innovative EEO procedures to the Department's Human Resources offices statewide.

Each HR Manager assumes overall responsibility for the EEO role in their respective facility or division. This entails ensuring that all aspects of HR processes (e.g. selection, compensation, benefits, etc.) are carried out by HR staff members in accordance with applicable anti-discrimination laws and guidelines, providing guidance to management on all personnel-related issues, and ensuring EEO principles are taken into consideration.

The EEO Director's primary duties and responsibilities are as follows:

- Supervise the EEO Office administrative assistant;
- Serve as the chief individual responsible for the structure and composition of the departmental EEO plan that is submitted to the Office of State Human Resources (OSHR) in March of each year, in accordance with state law;
- Inform the Office of the Secretary of progress of the plan and approval by OSHR in a timely manner;
- Provide guidance, consultation, and EEO training for all HR managers and staff members;
- Obtain legal interpretation of the Federal and State laws, regulations, and agency policies regarding the affects these laws have on the department's EEO program;
- Chief contact with OSHR on all EEO matters impacting DHHS;
- Respond to external questions and inquiries at the department level regarding the structure and composition of the EEO program;
- Interact with the facility and division HR offices in applying all Federal and State laws, regulations, policies and guidelines that involve discrimination in employment, harassment and retaliation in their respective regions;
- Analyze and maintain workforce utilization data for the Department which includes data accessed through the BEACON system;
- Develop department-wide training programs in conjunction with the DHHS Human Resources Division that are in accordance with Federal and State requirements;
- Serve as the principle advisor on EEO program matters to the division and facility HR offices and provide training as needed;
- Assist division/facility/office directors in identifying specific EEO needs in their respective regions;

- Provide confidential counseling for management regarding trends of discrimination in the workplace, as well as working with Employee Relations on identified trends and not individual complaints;
- Coordinate special programs (internal to DHHS or in conjunction with OSHR) to achieve program objectives and to provide management and employee input and assistance in program development and implementation;
- Utilize BEACON reports to track new hires, dismissals, in-range adjustments, promotions, and complaints, etc. which serve as indicators of progress in these areas or discriminatory actions; and report these trends to the respective divisions, facilities or offices, and to the Secretary;
- Review all EEO Informal Inquiry complaints with the DHHS HR Employee Relations Section and HR Director periodically during the plan year; and
- Serve as agency coordinator for the Equal Employment Opportunity Institute (EEOI) with coordination delegated to the EEO administrative assistant and oversight by the EEO Director.

Field EEO Representative (HR Manager) Responsibilities:

- Serve as the primary chief contact at their respective division/facility/office with the EEO office.
- Receive and analyze yearly BEACON workforce data and demographic underutilization reports, and contribute to the annual DHHS EEO Plan by considering EEO employment objectives during the recruitment process, as needed;
- Ensure that any identified recruitment outreach efforts, in conjunction with OSHR guidelines relating to employment objectives, are incorporated in the recruitment process;
- Inform the division/facility director of the progress of the yearly EEO employment objectives as well as any other EEO-related objectives;
- Direct employees to the proper channels in which to file complaints of unlawful discrimination, harassment, or retaliation;
- Investigate and respond to complaints of unlawful discrimination, harassment, or retaliation submitted under the EEO Informal Inquiry process as needed;
- Generate and analyze BEACON EEO reports pertaining to employment practices (e.g., pay increases, promotions, hiring, etc.) to evaluate and monitor the effectiveness of the EEO program, and make recommendations to the EEO Director and HR Director; and
- Assist the EEO Director with the implementation of any EEO-related procedures, policies or measures, such as anti-harassment training, in accordance with the EEO plan and state policy.

EEO Committee

The Equal Employment Opportunity (EEO) Committee shall be composed of the EEO Director, HR Director and various other employees as determined by the HR Director and EEO Director. The duties of the EEO Committee include, but are not limited to:

- Create a communication link between department management and employees on various aspects of the Equal Employment Opportunity Plan and Program and make aware any potential EEO problem areas in the agency through regular meetings;
- Review and evaluate the existing Equal Employment Opportunity Plan;
- Arrange meetings with top management to discuss the EEO program, report on employees' concerns, and recommend EEO policy changes and additions;
- Identify recruitment sources, programs to promote career mobility, and other activities designed to strengthen the EEO program;
- Communicate information about the EEO program to other employees, managers and supervisors; and
- Plan and implement programs to educate the DHHS workforce on EEO concepts.

COMMUNICATION AND
DISSEMINATION OF THE EEO
POLICY AND PLAN

Communication and Dissemination of the EEO Plan

Internal Dissemination

All DHHS employees shall have access to the Department EEO Plan. The Department of Health and Human Services currently employs over 17,000 employees. Due to the nature of many of these positions, turnover is rapid. These factors as well as cost make it virtually impossible to disseminate a copy of the entire plan to each individual employee. However, the Department will ensure that each employee has total access to the plan. EEO information shall be disseminated in the following ways:

- During new employee orientation, each employee shall be made aware of the EEO program and how to view the EEO plan;
- Human Resources staff shall inform all employees of the EEO Informal Inquiry Complaint procedure and answer any questions related to this process;
- Information regarding EEO laws will be posted in conspicuous areas throughout the department; and
- EEOI training will be provided frequently to managers and supervisors on an annual basis.

External Dissemination

The public shall be informed of the Department's position on equal employment opportunities as follows:

- DHHS will actively recruit from a variety of sources to achieve a diverse and inclusive workforce that meets the needs and demands of the Department;
- The Department will conduct targeted recruitment where underutilized groups are identified and disseminate information regarding the Department's EEO Plan; and.
- The Department of Health and Human Services stationary and all job advertisements shall include the statement, "An Equal Opportunity Employer."

WORKFORCE ANALYSIS

Workforce Analysis

The Department of Health and Human Services has selected the NC occupation specific civilian labor force and the NC working population (18-64) compromise standard, as the measurement to effectively analyze its workforce. The occupation specific labor force of each demographic group and the working population by demographic group will be compared to the agency workforce. An average of the underutilization resulting from the comparisons of the two criteria shall be used to determine the workforce underutilization by occupational category for each demographic group. When calculating the underutilization resulting from the occupation working population comparison, the statewide working population and the occupational specific category compromise numbers shall be used for analyzing the officials and administrators, management related and professional occupational categories. When calculating the underutilization resulting from the occupation specific/working population comparison, the working population in the local geographical recruiting area and the occupational specific category compromise numbers in the local geographical recruiting area may be used for analyzing the other occupational categories.

The EEO Office is responsible for developing the EEO Plan annually pursuant to requirements of state law. The workforce analysis portion of this plan consists of establishing specific goals for the reduction and eventual elimination of underutilized groups in all standard occupational classifications (SOC). Implementation of and compliance with this plan is the responsibility of supervisors, managers, and directors. The organization of the plan is composed of the following:

- Workforce/demographic analysis, which profiles the distribution of workers in each department by race, gender, and persons reporting disabilities, compared with percentage of North Carolina State demographics in each ethnic category. The underutilization is calculated based on that comparison;
- Estimate or project future job vacancies in each occupational classification where underutilization has occurred and project the Department's capacity to eliminate or reduce the underutilization; and
- Establish placement goals for reduction of underutilization in each category to include timetables that identify specific dates for achievement; and develop an action plan to facilitate the likelihood of goal achievement within the established time frames.

In reviewing the report, it is important to understand the meaning of and limitations on the data presented. The report compares the percentages of persons working in various job categories in the Department of Health and Human Services at a particular point in time with percentages of persons reported in various census statistics that reflect the statewide population. They do not include comparisons to percentages of persons for whom applications have been actually received by the Department nor to the subset of these applications that actually qualify for hire by the Department. Further, by using a combination of labor force and working population data, limitations in the specificity of the census data available for use means that such statistics very likely include many individuals not actually qualified to be hired by the Department.

Therefore, this report and any findings of "underutilization" as to particular job categories set further therein are simply rough indicators intended only to be utilized as a tool in the Department's recruitment efforts. A finding of "underutilization" as to job category does not mean, and is not intended to mean, that there are problems with the Department's hiring practices or that recruitment or hiring in that job category is in any legal or other sense discriminatory. Rather, the identification of "underutilization" as to a particular job category merely serves to identify that category as one where the Department should seek to ensure that potential candidates are being recruited, encouraged to apply for and be considered for employment.

Any setting of hiring "objectives" required by the report is, again, intended only as a tool to facilitate and focus recruitment efforts and is not intended as a quota or mandate for hiring particular individuals regardless of qualifications. Further, the setting of such objectives is also hypothetical in that it requires a projection of both the numbers of vacancies and qualified applicants, neither of which may actually occur. The failure to achieve any of these "objectives" does not mean that discrimination has occurred. In summation, the report is intended solely as an aid to facilitate the Department's ongoing efforts to recruit and hire a diverse workforce.

EEO PROGRAM OBJECTIVES & PROGRAM ACTIVITIES

EEO Program Objectives & Program Activities

In its continuing efforts to ensure Equal Employment Opportunity and to increase diversity and inclusion within its workforce, the Department of Health and Human Services will focus its energy in the areas noted below. Other EEO objectives will also gain additional review and attention.

Recruitment

With the implementation of the Department of Health and Human Services' Merit Based Hiring Program, the Department will place a heavy emphasis on recruitment. Effective recruitment will play a significant role in having a diverse, representative applicant pool and is crucial to overcoming underutilization. The following actions will be taken on an ongoing basis:

1. The department utilizes NEOGOV, a North Carolina State Government online recruiting system, which provides recruitment, selection and applicant tracking solutions to government entities nationwide. Job postings are listed in NEOGOV and are available to all members of the general public, thus allowing the department to attract large numbers of applicants of all demographics.
2. Establish alliances with public and private universities in North Carolina, especially the Historically Black Colleges and Universities (HBCU's), such as North Carolina Central University and North Carolina A& T State University, and college and university programs which promote educating and employing disabled citizens. Although the department has limited funding for recruitment expenditures due to the state's current budget situation, when possible, efforts will be made to attend career and job fairs at targeted colleges and universities and at military facilities; and to advertise in minority, ethnic and predominately female publications.
3. Promote the recruitment of qualified minority applicants where inequities and underutilization exist. The DHHS Office of Talent Management, which is located in Human Resources, promotes the recruitment of qualified applicants for departmental openings, including minorities, females, persons with a disability, and veterans. In collaboration with the EEO Director, the Office of Talent Management will seek innovative measures in light of budgetary constraints restricting recruiting expenditures to increase the department's efforts to attract and recruit minorities, females, persons with a disability, and veterans. Examples of such efforts may include, but are not limited to, using free online sources, such as Facebook, Twitter and LinkedIn, to remind HBCU's and minority organizations of job postings on NEOGOV.
4. Place an emphasis on attracting and recruiting members of the underrepresented for positions with supervisory authority and/or management-related responsibilities.
5. Divisions and facilities needing additional support with minority recruitment efforts should contact the Office of Talent Management and the EEO Office, if necessary, for assistance.

Selection

To ensure the selection procedures, hiring standards and placement process remain free of discrimination based on race, color, religion, sex, age, national origin, disability, genetic information and political affiliation, the following activities have been established:

- The Division of Human Resources is responsible for ensuring that the selection process is based on relative consideration of qualifications using fair and valid selection criteria.
- Inform hiring managers and human resources offices to not accept an applicant pool that lacks diversity and is not representative of the population served. Rather, hiring managers are encouraged to re- post the position to seek other resources to obtain a diverse applicant pool.
- Require hiring managers and human resources offices when completing the Merit Based Hiring requirements to determine first whether the position has been designated as an EEO goal or if it is in an underutilized group.
- Monitor the qualified applicant pools to ensure discrimination was not involved in the decision. This includes monitoring the entire process, beginning with the initial advertisement of the position to the offer of hire.
- Encourage hiring managers to interview members of underutilized groups.

Underutilized groups should be interviewed based upon their qualifications and not because they are members of a protected class.

Other Objectives

The Department of Health and Human Services will continue to ensure fairness and equity in the following areas:

Promotions

All promotions within the Department of Health and Human Services are subject to all Federal and State equal employment laws and policies.

In North Carolina State Government, promotions are not automatic. Employees who are interested in a promotional opportunity must apply through the State of North Carolina electronic application process (NEOGOV) which is subject to the Merit Based Hiring. The same factors discussed in the Selection section above are also applicable to promotions. It is a goal of the Department of Health and Human Services to increase the number of minorities and the disabled in upper management and supervisory positions. To address this goal, current employees will be encouraged to apply for promotional opportunities for which they are qualified, in addition to implementing specific recruitment efforts to attract a diverse applicant pool for promotional opportunities.

Compensation and Benefits

The Department of Health and Human Services has a performance agreement with the Office of State Human Resources. The various divisions, facilities and offices have the authority to see that all employees, regardless of race, color, religion, sex, age, national origin, disability, and genetic information are treated fairly and equitably.

Appropriate analysis processes should be in place to ensure that salary recommendations take into account related education, training, experience as well as the salaries of current employees performing similar duties and responsibilities. This is to ensure that all benefits and conditions of employment are equally available without discrimination to all employees. This includes leave policies, retirement plans, insurance programs, and other terms, conditions and privileges of employment.

The Department will continue to look at creative ways to ensure diversity and inclusion in all areas of employment including, but are not limited to, educational leave, employee assistance program, and reasonable accommodation for those who are disabled.

Disciplinary Process and Implementation

The Department of Health and Human Services' disciplinary process and implementation are designed to be fair and equitable and without regard to biases. The DHHS Human Resources Employee Relations Section monitors the disciplinary process and implementation. All demotions, separations, transfers and terminations are included in the disciplinary process and are subject to the State and Federal laws governing equal employment opportunity. Employee Relations, the EEO Office, and HR Managers work in concert to ensure equal practices and fairness are applied to the disciplinary process and implementation.

Performance Management Process (Valuing Individual Performance)

Valuing Individual Performance (VIP), the North Carolina statewide performance management (PM) process, aligns with the state of North Carolina policy on PM, which is designed to enable employees to develop and enhance individual performance, while contributing to the achievement of organizational mission, goals and business objectives.

Each agency in North Carolina government will implement the statewide policy on PM, as approved by the State Human Resources Commission. The process, which ensures a means by which employees, regardless of race, color, religion, sex, age, national origin, disability, genetic information and political affiliation, focuses on the following:

- A. Emphasizes the strategic alignment of an agency's overall business objectives with an individual employee's performance;
- B. Ensures the agency is setting and meeting critical business objectives and individual goals;
- C. Fosters a culture of continuous communication between employees and managers;
- D. Automates the performance management process by utilizing technology so that performance can be effectively tracked and measured based on business – related reasons outcomes;
- E. Establishes a basis for consistent and historical performance data, absent inflated ratings, for agency management, the Governor's office and the North Carolina legislature; and
- F. Provides the foundation where valid performance data is utilized as one component of pay.

Training and Development

It is the policy of the Department of Health and Human Services that all human resource development and training programs and opportunities shall be provided to employees on a non-discriminatory basis.

DHHS complies with NCGS 126-16.1, which requires the department to enroll each newly appointed supervisor or manager within one (1) year of their initial appointment in the Equal Employment Opportunity Institute (EEOI). In 2005, the Office of State Human Resources and the Department of Health and Human Services entered into a contract allowing DHHS-EEOI Instructors to provide training for its employees. It has been renewed each year since 2005.

The EEO Office and the Office of Talent Management will work cooperatively to ensure this requirement is implemented.

The EEO Director will provide training to HR managers and staff as needed. This training will ensure they are kept abreast of the latest laws and policies regarding equal employment opportunities and practices.

The EEO Office was given the task of oversight for the program. The enrollment process is completed via the Learning Management System.

Grievance Procedure

The grievance procedure is the administrative process designed to ensure equal treatment for all individuals filing complaints. The Department of Health and Human Services Employee Relations Section, located in the Division of Human Resources, is designated to deal with the internal complaint/grievance process. This section works in conjunction with the EEO Office, in particular with those cases that pertain to discrimination issues. The Department's grievance procedure is designed to be fair and resolve issues in a prompt and equitable manner.

Evaluation and Report Mechanism

Upon OSHR approval, the 2016 EEO Plan will be posted in conspicuous areas around the department and made available to all employees on the DHHS website. The EEO Director will communicate with each division and facility HR office to ensure they have knowledge and an understanding of the EEO goals and objectives. At various times throughout the year, the EEO Director will evaluate the overall plan for the department to ensure compliance and to note any trends that need to be addressed by the DHHS HR Director and Secretary. In addition, the HR Managers and EEO Director shall provide management with information regarding the progress of the plan.

Reduction in Force (RIF) and Procedures

It is the policy of the Department of Human and Health Services, in accordance with Federal and State equal employment opportunity guidelines, that decisions concerning reduction in force (RIF) must be analyzed to determine their impact by race, sex and age. Either the EEO Director or Human Resources staff shall conduct a RIF impact analysis of the effect of the proposed reduction(s) prior to the Department making final decisions on layoffs.

DHHS adheres to the State's Reduction in Force Policy, which is located in the State Human Resources Manual at:

http://www.oshr.nc.gov/Guide/Policies/11_Separation/Reduction%20in%20Force%20Policy.pdf

Procedures for Monitoring

DHHS utilizes the BEACON system and EEO reports to monitor EEO Activities. EEO reports from the NEOGOV applicant tracking system will also be utilized to the fullest extent.

Assessment of Current Program

The Department of Health and Human Services employs an EEO Director who is committed to the EEO program and the execution of the Governor's Executive Order Number 55, regarding Equal Employment Opportunity in North Carolina State Government. The Department recognizes that in order for an agency to best serve all segments of the population, it must employ citizens from all segments of the population.

The mission of DHHS is: "To serve the people of North Carolina by enabling individuals, families, and communities to be healthy and secure, and to achieve social and economic well-being." In achieving this mission, the Department is committed to supporting and developing employees as diverse, invaluable resources.

In summary, the Department of Health and Human Services is committed to Equal Employment Opportunity.

2016 EQUAL EMPLOYMENT OPPORTUNITY PLAN

AGENCY: Dept. of Health & Human Services DIVISION: All Divisions/Facilities

SOC CATEGORY: All Occupations SUB-CATEGORY: _____

RECRUITMENT AREA: _____ Availability Standards: Work Force Population / Labor Force Compromise x
(Check one) Two Factor Analysis _____

EEO INFORMATION	W/M	W/F	B/M	B/F	O/M	O/F	TOTAL	DISB	IMRTY	FMILE	VET (6%)
EMPLOYED 12/31/2015	2,377	6,005	1,726	4,934	207	363	15,754	309	7230	11,302	945 (Among all SOCs)
UNDERUTILIZED 12/31/2015	-1,876	264	432	2,471	-553	-386	-176	-1,483	1,945	1,868	

EMPLOYMENT OBJECTIVES

2016 Target Classifications	OPG	W/M	W/F	B/M	B/F	O/M	O/F	TOTAL	DISB	IMRTY	FMILE	VET (6%)
Officials & Administrators	12	5	1	2	0	3	1	12	0	6	2	1%
Management Related	25	10	3	5	2	2	3	25	1	12	8	2 %
Professionals	150	46	34	21	27	15	7	150	2	70	68	1%
Technicians & Technologists	15	2	2	2	4	2	3	15	6	11	9	1%
Administrative Support	85	20	18	10	9	15	13	85	5	47	40	5%
Protective Services	2	0	1	0	1	0	0	2	0	1	2	0%
Service	176	13	15	13	30	50	55	176	0	148	100	11%
Skilled Craft	10	1	2	5	0	2	0	10	1	7	2	1%
Total Through 2016	475	97	76	58	73	89	82	475	15	302	231	29%

*Employment objectives are to represent a net increase in employment which does not include placements of underutilized groups that maintain their current representation levels.